

ESTTA Tracking number: **ESTTA481594**

Filing date: **07/03/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

| | |
|---------------------------------------|---|
| Name | Google Inc. |
| Granted to Date of previous extension | 07/08/2012 |
| Address | 1600 Amphitheatre Parkway Mountain View, CA 94043 UNITED STATES |

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| Correspondence information | Anne H. Peck Cooley LLP 3000 El Camino Real 5 Palo Alto Square Palo Alto, CA 94306 UNITED STATES trademarks@cooley.com, peckah@cooley.com, jcullum@cooley.com, adunning@cooley.com, pbimrose@cooley.com Phone:(650) 843-5096 |
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Applicant Information

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|------------------------|---|------------------------|------------|
| Application No | 85375382 | Publication date | 01/10/2012 |
| Opposition Filing Date | 07/03/2012 | Opposition Period Ends | 07/08/2012 |
| Applicant | Beckner, Sean 7500 College Blvd. Overland Park, KS 66210 UNITED STATES | | |

Goods/Services Affected by Opposition


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| Class 035. All goods and services in the class are opposed, namely: Advertising, promotional, and business networking services in the field of consumer products, services, events, activities, attractions and facilities; promoting the products, services, events, activities, attractions and facilities of others by providing discounts, coupons, rebates, vouchers, special offers, and links to the websites of others; promoting the products, services, events, activities, attractions and facilities of others by providing a website to share discounts, coupons, rebates, vouchers, special offers, and links to the websites of others |
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Grounds for Opposition

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| Priority and likelihood of confusion | Trademark Act section 2(d) |
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Marks Cited by Opposer as Basis for Opposition

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|----------------------|----------|------------------|------------|
| U.S. Application No. | 85466455 | Application Date | 11/07/2011 |
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|---------------------|--|-----------------------|------------|
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | G+ | | |
| Design Mark |  | | |
| Description of Mark | The mark consists of a white lower case "g+" on a red square background. | | |
| Goods/Services | <p>Class 009. First use: Computer software for publishing and sharing digital media and information via global computer and communication networks; computer software development tools; computer software for use as an application programming interface (API); computer software for creating indexes of information, indexes of web sites and indexes of other information resources</p> <p>Class 038. First use: Telecommunications services, namely, electronic transmission of data and digital messaging via global computer and communication networks; providing online forums, chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; digital multimedia broadcasting services over the Internet, namely, posting, displaying, and electronically transmitting data, audio and video; providing access to computer databases in the fields of general interest</p> <p>Class 041. First use: On-line journals, namely, blogs featuring user-defined content in the fields of social commentary, cultural commentary, and political news; electronic publishing services, namely, publication of digital media in the form of electronic magazines via global computer and communications networks in the fields of social commentary, cultural commentary, and political news; entertainment services, namely, providing temporary use of non-downloadable interactive multiplayer and single player games played via global computer and communication networks</p> <p>Class 042. First use: Providing temporary use of on-line non-downloadable software for publishing and sharing digital media and information via global computer and communication networks; Providing temporary use of on-line non-downloadable software development tools; Providing temporary use of on-line non-downloadable software for use as an application programming interface (API); Providing temporary use of on-line non-downloadable software for creating indexes of information, indexes of web sites and indexes of other information resources; Technical support services, namely, on-line troubleshooting of computer software problems for non-downloadable computer program users; Providing a web hosting platform for others for organizing and conducting meetings, social events and interactive text, audio, and video discussions; Providing an on-line network environment that features technology that enables users to share data</p> <p>Class 045. First use: On-line social networking services</p> | | |
| U.S. Application | 85358119 | Application Date | 06/28/2011 |

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|---------------------|--|-----------------------|------|
| No. | | | |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | GOOGLE+ | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 009. First use: Computer software for publishing and sharing digital media and information via global computer and communication networks; computer software development tools; computer software for use as an application programming interface (API); computer software for creating indexes of information, indexes of web sites and indexes of other information resources</p> <p>Class 038. First use: Telecommunications services, namely, electronic transmission of data and digital messaging via global computer and communication networks; providing online forums, chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; digital multimedia broadcasting services over the Internet, namely, posting, displaying, and electronically transmitting data, audio and video; providing access to computer databases in the fields of general interest</p> <p>Class 041. First use: On-line journals, namely, blogs featuring user-defined content in the fields of social commentary, cultural commentary, and political news; electronic publishing services, namely, publication of digital media in the form of electronic magazines via global computer and communications networks in the fields of social commentary, cultural commentary, and political news; entertainment services, namely, providing temporary use of non-downloadable interactive multiplayer and single player games played via global computer and communication networks</p> <p>Class 042. First use: Providing temporary use of on-line non-downloadable software for publishing and sharing digital media and information via global computer and communication networks; Providing temporary use of on-line non-downloadable software development tools; Providing temporary use of on-line non-downloadable software for use as an application programming interface (API); Providing temporary use of on-line non-downloadable software for creating indexes of information, indexes of web sites and indexes of other information resources; Technical support services, namely, on-line troubleshooting of computer software problems for non-downloadable computer program users; Providing a web hosting platform for others for organizing and conducting meetings, social events and interactive text, audio, and video discussions; Providing an on-line network environment that features technology that enables users to share data</p> | | |

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|--|---|
| | Class 045. First use: On-line social networking services |
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| Attachments | 85466455#TMSN.jpeg (1 page)(bytes) 85358119#TMSN.jpeg (1 page)(bytes) G+opposition.pdf (5 pages)(17300 bytes) |
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

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| Signature | /anne h. peck/ |
| Name | Anne H. Peck |
| Date | 07/03/2012 |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application:

Application No.: 85/375,382
Filed: July 19, 2011
Published: January 10, 2012
Applicant: Sean Beckner
Mark: G+

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|----------------------|---|-----------------------|
| GOOGLE INC. |) | |
| |) | |
| Opposer, |) | |
| |) | Opposition No. |
| v. |) | |
| |) | |
| SEAN BECKNER, |) | |
| |) | |
| Applicant. |) | |
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Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

Opposer, Google Inc. (“Google” or “Opposer”) believes that it will be damaged by the issuance of a registration for the standard character mark G+, in Application Serial No. 85/375,382 (“Applicant’s G+ Standard Character Application”), filed July 19, 2011 by Sean Beckner (“Applicant”) on an intent-to-use basis. Google, having previously been granted an extensions of time to July 8, 2012, hereby opposes Applicant’s G+ Standard Character Application pursuant to Section 13 of the United States Trademark Act, as amended, 15 U.S.C. § 1063.

As grounds for this opposition, Google alleges that:

1. Opposer is a Delaware corporation, having its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California 94043.

2. On information and belief, Applicant is an individual with an address of 7500 College Blvd. Overland Park, Kansas 66210.

3. Founded in 1998, Google is a world famous provider of search engine, advertising, web application and social networking services. The Google search engine, available at www.google.com, is the most-used search engine on the Internet, receiving several hundred million queries each day through its various services. Since its inception, Google has grown rapidly to become a leading technology company and now offers a wide variety of products and services. Among its innovative products, Google offers online networking and promotional services to third parties under the trademarks GOOGLE+ and G+ and Design (collectively, the “Google G+ Marks”). Google has continuously marketed its services under the Google G+ Marks since prior to the filing of the application herein opposed.

4. Google is the owner of U.S. Application No. 85/466,455 for the mark G+ and Design in connection with, among other things, “[c]omputer software for publishing and sharing digital media and information via global computer and communication networks,” in International Class 9; “telecommunications services” in International Class 38; “[p]roviding temporary use of on-line non-downloadable software for publishing and sharing digital media and information via global computer and communication networks” in International Class 42; and “[o]n-line social networking services” in International Class 45 (the “Google’s G+ and Design Application”).

5. Applicant’s G+ Standard Character Application includes a wide variety of networking, advertising and promotional activities to be offered online, specifically including

“[A]dvertising, promotional, and business networking services in the field of consumer products, services, events, activities, attractions and facilities; promoting the products, services, events, activities, attractions and facilities of others by providing discounts, coupons, rebates, vouchers, special offers, and links to the websites of others; promoting the products, services, events, activities, attractions and facilities of others by providing a website to share discounts, coupons, rebates, vouchers, special offers, and links to the websites of others.” On information and belief Applicant has not yet made use of the applied-for mark.

6. On March 1, 2012, the United States Patent and Trademark Office (“USPTO”) issued an initial refusal of Google’s G+ and Design Application based, in part, on a likelihood of confusion with the mark that is the subject of Applicant’s G+ Standard Character Application under Section 2(d) of the Trademark Act of 1946, 15 U.S.C. § 1052(d).

7. Applicant’s G+ Standard Character Application is causing actual harm to Google as it is blocking registration of Google’s G+ and Design Application.

FIRST CLAIM FOR RELIEF

8. Opposer repeats and realleges each and every allegation set forth in Paragraphs 1 through 7 as if fully set forth herein.

9. The services described in Applicant’s application are either virtually identical or closely related to Google’s services offered under and/or associated with Google’s G+ Marks.

10. The mark which is the subject of Applicant’s G+ Standard Character Application, is confusingly similar to Google’s G+ Marks, in that, among other reasons, it fails to specify a design distinct from those of Google’s G+ Marks.

11. Thus, Applicant's G+ Standard Character Mark is unregistrable pursuant to Sections 2(a) and (d), 3, 13, and 43(a) of the United States Trademark Act, as amended, 15 U.S.C. §§ 1052, 1053, 1063, and 1125, and should be refused registration.

12. Google accordingly requests that this Notice of Opposition be sustained, and that Applicant's G+ Standard Character Application be refused registration.

Respectfully submitted,

COOLEY LLP

Date: July 3, 2012

By: ____/Anne H. Peck/____

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Counsel for Opposer Google, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the NOTICE OF OPPOSITION has been served on the Applicant's attorney of record via First Class Mail this 3rd day of July, 2012 at the following address:

Adam C. Rehm
SNR Denton US LLP
P.O. Box 061080
Chicago, Illinois 60606-1080

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

/Peggy Bimrose/